

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JUL 08 2014

Clerk, U.S. District Court
District Of Montana
Missoula

TYRONE EVERETT PAYNE,

CV 13-00219-M-DWM-JCL

Plaintiff,

vs.

FINDINGS AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

JASON MARKS, JAMIE
MERIFIELD, and MONTANA
MUNICIPAL INSURANCE
AUTHORITY,

Defendants.

Pending is Plaintiff Tyrone Payne's Complaint in which he alleges Defendants maliciously prosecuted and falsely imprisoned him beginning August 13, 2013. (Doc. 2.) On April 24, 2014, the Court issued an Order finding it needed further information to complete the prescreening process mandated by 28 U.S.C. §§ 1915, 1915A. Payne was directed to file an amended complaint. (Doc. 8.) The Court's Order was returned as undeliverable on May 1, 2014 (Doc. 9) and no amended complaint has been filed.

Local Rule 5.2 provides that a self-represented party whose address changes while an action is pending must promptly file a Notice of Change of Address with the Court specifying the new address for service. The Court may dismiss a

complaint without prejudice when a document sent to a party has been returned as not deliverable and the Court does not receive a notice of a new address within 60 days of the return of the written communication. L.R. 5.2(b).

Payne was made aware of this obligation to keep the Court informed of his current address in the Court's Notice of Case Opening (Doc. 4 at 2) and the Court's Order granting his Motion to Proceed in Forma Pauperis (Doc. 6 at 3).

Pursuant to Local Rule 5.2(b), the Court issues the following:

RECOMMENDATION

This matter should be dismissed without prejudice.

NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

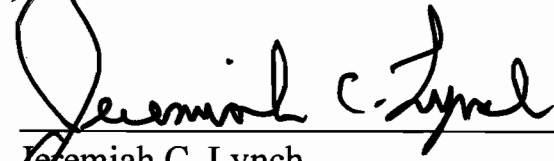
Payne may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.¹ 28 U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed

¹As this deadline allows a party to act after the Findings and Recommendations is "served," it falls under Fed.R.Civ.P. 6(d). Therefore, three (3) days are added after the period would otherwise expire.

until entry of the District Court's final judgment.

DATED this 8th day of July, 2014.

A handwritten signature in black ink, reading "Jeremiah C. Lynch". The signature is written in a cursive style with a large, looped initial "J".

Jeremiah C. Lynch
United States Magistrate Judge